

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDY WOMACK,
Plaintiff,

v.

AASONN LLC,
Defendant.

Case No. [17-cv-03276-SI](#)

**ORDER TO DEFENDANT RE:
DIVERSITY JURISDICTION**

Plaintiff Randy Womack filed this breach of contract action against Aasonn LLC on June 7, 2017. Compl. (Dkt. No. 1). Defendant filed a motion to dismiss this action, or, alternatively, to transfer venue to the District of Delaware. Dkt. No. 11. Defendant's motion is fully briefed and set for hearing on September 8, 2017. However, before the Court reaches the merits of defendant's motion to dismiss, the Court must first determine whether it has subject matter jurisdiction over this case. *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006); *see also Ex Parte McCardle*, 74 U.S. 506, 514 (1868) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.").

In the complaint, plaintiff alleges that the Court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). Compl. ¶ 2. Jurisdiction founded on diversity of citizenship "requires that the parties be in complete diversity and the amount in controversy exceed \$75,000." *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003). Complete diversity means that "each of the plaintiffs must be a citizen of a different state than each of the defendants." *Allstate Ins. Co. v. Hughes*, 358 F.3d 1089, 1095 (9th Cir. 2004). Plaintiff alleges that the parties are of diverse citizenship because he is a citizen of California, and that Aasonn LLC "has its

1 corporate headquarters in Illinois and is incorporated under the laws of Delaware.” Compl. ¶ 2.
2 But an LLC is not treated like a corporation for purposes of diversity jurisdiction. In the Ninth
3 Circuit, “like a partnership, an LLC is a citizen of every state of which its owners/members are
4 citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006);
5 accord *NewGen LLC v. Safe Cig, LLC*, 840 F.3d 606, 611 (9th Cir. 2016).

6 As such, **defendant Aasonn LLC is hereby ORDERED to file, by August 21, 2017 a**
7 **statement as to the citizenship of its members.** This requires Aasonn to “drill down” in the
8 event that any of its members are other partnerships, LLCs, corporations, or other legal entities.
9 The Court needs information sufficient to determine whether it has subject matter jurisdiction over
10 this lawsuit before it can decide defendant’s pending motion.

11 **IT IS SO ORDERED.**

12 Dated: August 15, 2017



SUSAN ILLSTON
United States District Judge